REMARKS

Claims 1 – 56 have been examined. An objection has been made to Claim 17; Claims 44 and 52 stand rejected under 35 U.S.C. §112; Claims 14 – 16, 43, 44, 48, 51, and 52 stand rejected under 35 U.S.C. §102(a); Claims 17, 31 – 33, 50, and 56 stand rejected under 35 U.S.C. §103(a); Claims 1 – 13 and 34 – 42 have been allowed; and Claims 18 – 30, 45 – 47, 49, and 53 – 55 have been identified as allowable except for their dependence on a rejected claim.

1. Claim Objection

Claim 17 has been amended as suggested in the Office Action, thereby obviating the objection.

2. §112 Rejections

Claims 44 and 52 have been amended to substitute the word "sequentially" for "progressively." The claims are intended to recite limitations that capture a temporal sequence of focusing the electromagnetic beam onto spatially displaced intermediate spot positions, such as described in connection with Fig. 2 at p. 7, ll. 16 – 18. It is believed that the word "sequentially" may capture this temporal aspect more clearly, although the scope of the amended claim is intended to be identical to the scope of the original claim.

3. Prior-Art Rejections

The prior-art rejections are respectfully traversed. The Office Action relies on the disclosure of Fig. 1 of U.S. Pat. No. 6,624,919 ("Lambert") as disclosing the limitations of independent Claims 14, 43, and 51. In identifying a correspondence between Claim 14, for

example, the Office Action points to lens 12 as corresponding to the recited "focusing element," negative lens 14 as corresponding to the recited "first spot position," negative lens 15 as corresponding to the recited "second spot position," and lens 13 as corresponding to the recited "collimation element."

Applicants note that lens 12 of Lambert is not "disposed to focus the electromagnetic beam onto [negative lens 14]." Similarly, lens 13 of Lambert is not "disposed to collimate the electromagnetic beam emanating from [negative lens 15]." This is evident from Fig. 1 of Lambert, which shows rays 11 of the beam being directed in a fashion that never focuses the beam to a spot position; the individual character of each ray 11 is evident at every position from before the first lens 12 to after the second lens 13.

The Examiner's attention is drawn to the requirement in Lambert that each of lenses 12, 13, 14, and 15 "have a focal length approximately equal to the distance L between input and output" (Lambert, Col. 10, ll. 3 – 4; *see also* Fig. 1 showing distance L). This is consistent with the manner in which the rays are drawn in Fig. 1 of Lambert and inconsistent with the claim limitations. For instance, if rays 11 define a collimated beam, it is impossible for lens 12 to focus it onto a spot position at lens 14 since the focal length is too large. Similarly, it is impossible for light emanating from a second spot position at lens 15 to be collimated by lens 13 since it too has a focal length that is too large.

For at least these reasons, it is respectfully believed that independent Claim 14 is patentable over Lambert. Independent Claims 43 and 51 are respectively method and means-plus-function claims that are believed to be patentable for the same reasons. The remaining rejected claims are believed to be patentable by virtue of their dependence from patentable claims.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

Patrick M. Boucher
Reg. No. 44,037

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
PMB:pmb
60370304 v1